

RCRA DOCKET ASSIGNMENT

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| RCRA | 10 | | |
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Enforcement Action

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|-------------------------------------|------------|--------------------------|------------------|
| <input checked="" type="checkbox"/> | CAFO | <input type="checkbox"/> | Compliance Order |
| <input type="checkbox"/> | ESA (CAFO) | <input type="checkbox"/> | Referral |
| <input type="checkbox"/> | Complaint | <input type="checkbox"/> | Self-Disclosure |

ORC Concurrence (UM Attorney Initials & Date is **REQUIRED** (except for ESAs)

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| RCRA Identification Number: AKD000850701 | |
| Case Name: North Pole Refinery, Flint Hills RESrouces, Alaska, LLC | |
| Name of Respondent(s): Mr. Michael Brose | |
| Regional Technical Contact: Xiangyu Chu | Phone # 553-2859 |
| Regional Attorney: Shirin Gallagher | Phone # 553-4194 |
| Facility FULL Name: North Pole Refinery, Flint Hills RESrouces, Alaska, LLC | |
| Facility Address: 1100 H & H Lane | |
| City: North Pole State: AK Zip: 99705 | |
| Generator Status: <input type="checkbox"/> CEG <input type="checkbox"/> SQG <input type="checkbox"/> LQG <input type="checkbox"/> TSD <input type="checkbox"/> Non-Generator <input type="checkbox"/> Other | |

| | | | | | |
|---------------------------------|----------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Tribal Entity Business? | <input type="checkbox"/> Y | <input checked="" type="checkbox"/> N | On Tribal Reservation? | <input type="checkbox"/> Y | <input checked="" type="checkbox"/> N |
| Multi-Media Enforcement Action? | <input type="checkbox"/> Y | <input checked="" type="checkbox"/> N | Small Business: EPA's Small Business Compliance Policy defines a small business as "a person, corporation, partnership or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." This policy further states that "The number of employees should be considered as full-time equivalents on an annual basis, including contract employees." | <input type="checkbox"/> Y | <input checked="" type="checkbox"/> N |

If Multi-Media, What Other Program Laws?

| | | |
|---|--|-----------------------------|
| Is this enforcement action a result of an inspection? | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | If yes, date of inspection: |
|---|--|-----------------------------|

| | |
|---|---|
| National Priority: | |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Mineral Processing Mining Other? |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Mineral Processing Non-Phosphoric Acid? |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Mineral Processing Phosphoric Acid? |

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| Federal Facility | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N |
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Relief sought (Note all that applies)

Penalty only case

Proposed Penalty: \$ \$80,000

* **Case summary:** (The information you would put in this section is that which can be released to the public as in what you might put in a press release or the OECA Weekly report. Please do not annotate specific penalty amounts or violations but general information about the Case Summary.)

The CAFO assessing a penatly of \$80,000 for violations of RCRA which caused two major fires at Flint Hills Resources Alaska, LLC.

Law/section violated: Please check the appropriate box

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | RCRA 3002 Standards Applicable to Generators of Hazardous Waste/Gen Hazardous Waste Mgmt |
| <input type="checkbox"/> | RCRA 3003 Standards Applicable to Transporters of Hazardous Waste/Gen Hazardous Waste Mgmt |
| <input type="checkbox"/> | RCRA 3004 Hazardous Waste Treatment Storage and Disposal Standards/Gen Hazardous Waste Mgmt |
| <input type="checkbox"/> | RCRA 3005 Permits for Treatment, Storage or Disposal of Hazardous Waste/Hazardous Waste Mgmt |
| <input type="checkbox"/> | RCRA 3007 Record keeping, Inspection, Information Request |
| <input type="checkbox"/> | RCRA 3010 Notification of Hazardous Waste Activity/Gen Hazardous Waste Mgmt - Subtitle C |
| <input type="checkbox"/> | RCRA 3014 Restrictions on Recycled Oil/Restrictions on Recycled Oil |
| <input type="checkbox"/> | RCRA 3017 Export of Hazardous Waste/Gen Hazardous Waste Mgmt - Subtitle C |
| <input type="checkbox"/> | RCRA 3008A Compliance Order: Injunctive & Penalty |
| <input type="checkbox"/> | RCRA 3008C Violation of Compliance Order |
| <input type="checkbox"/> | RCRA 3008H Interim Status Corrective Action Order |
| <input type="checkbox"/> | RCRA 3013 Monitoring, Analysis, Testing |
| <input type="checkbox"/> | RCRA 6001B Res Conserv & Rec Act |
| <input type="checkbox"/> | RCRA 7003A Res Conserv & Rec Act |

Environmental Justice Indicators: CTRL+Click to follow this link-> **R10 EJSCREEN**

Under the terms of the revised EJ Technical Directive (reissued April 8, 2013), the following information applies to EPA civil regulatory and Superfund enforcement cases "initiated" starting April 1, 2013. **There are no RCRA exemptions under EJ.** Please note: If you have more than one facility, please the below complete for each facility. If you have more than two facilities, contact Jo (x0309) and she will update this form for you.

EJ Table 1: EJSCREEN Flag (Manual) (Select one)

| | | |
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| <input type="checkbox"/> | YES | ➔ If selected, proceed to EJ Table 2 & select the applicable "YES Enhanced Review" response |
| <input checked="" type="checkbox"/> | NO | ➔ If selected, proceed to EJ Table 2 & select the applicable "YES/NO Enhanced Review" response |

EJ Table 2: Enhanced Review for Potential EJ Concerns (Select one)

| | | |
|-------------------------------------|--|---|
| <input type="checkbox"/> | YES Enhanced Review - Potential EJ Concern Found | ➔ If selected, proceed to EJ Table 3 |
| <input type="checkbox"/> | YES Enhanced Review - Potential EJ Concern Not Found | ➔ If selected, proceed to EJ Table 3 |
| <input checked="" type="checkbox"/> | NO No Enhanced Review ➔ If you selected No in Table 1 <u>and</u> you do not have any EJ concerns, select No here. If you do have EJ concerns despite the EJSCREEN No score, you can request an enhanced review based on your knowledge of the facility/area | ➔ If selected, skip EJ Tables 3 & 4 unless you wish to request an enhanced review based upon your knowledge of the facility/area. |

EJ Table 3: Basis of EJ Determination (Select all that apply based on EJ review then proceed to EJ Table 4)

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| <input type="checkbox"/> | Community self-identification |
| <input checked="" type="checkbox"/> | EJSCREEN data ➔ Pre-selected for R10; do not change |
| <input type="checkbox"/> | EPA knowledge of community/location (including inspector observation) |
| <input type="checkbox"/> | Other federal government knowledge of community/location |
| <input type="checkbox"/> | Public input |
| <input type="checkbox"/> | State/local/tribal government knowledge of community location |

EJ Table 4: Explanation of Basis for Potential EJ Concern Finding (Select applicable "R10 Tier 1/2" response or "Exempt")

| | | | |
|---|---|--------------------------|---|
| <input type="checkbox"/> | R10 Tier 1 Review: Potential EJ Concern Found | <input type="checkbox"/> | R10 Tier 2 Review: Potential EJ Concern Found |
| <input type="checkbox"/> | R10 Tier 1 Review: Potential EJ Concern <u>Not</u> Found | <input type="checkbox"/> | R10 Tier 2 Review: Potential EJ Concern <u>Not</u> Found |
| Explanation: For Tier 1 / 2 Review, paste the Explanation provided to you by the R10 EJ Coordinator into the text box below (ICIS is limited to 1,000 characters) or forward email to Jo Jiles | | | |
| <div style="border: 1px solid black; height: 40px; width: 100%;"></div> | | | |